



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,036	07/30/2003	John J. Giobbi	47079-0107D1	9450

30223 7590 03/27/2007
JENKENS & GILCHRIST, P.C.
225 WEST WASHINGTON
SUITE 2600
CHICAGO, IL 60606

EXAMINER

YOO, JASSON H

ART UNIT	PAPER NUMBER
----------	--------------

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/630,036	Applicant(s) GIOBBI, JOHN J.	
	Examiner Jasson H. Yoo	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-14, 17-19, 21-27, 29-34, 36, 41-48, 50-57, 59-64, 75 and 79-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-14, 17-19, 21-27, 29-34, 36, 41-48, 50-57, 59-64, 75, 79-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/26/07 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23, 25-26, 61, 63-64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 23, 25-26, 61, 63-64, the phrase "or the like" ("about three feet", "proximate a front center portion", "proximate to a height") renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

35 USC § 112, 6th paragraph

Claim 41 invokes 35 USC § 112, 6th paragraph. It appears that the "means for encrypting" claimed is a CPU (Applicant's specification, paragraph 16).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9, 11-14, 18-19, 21, 27, 29-34, 36, 41-48, 50-54, 56-57, 59, 75 and 79-81 are rejected under 35 U.S.C. 102(e) as being anticipated by Hedrick et al. (US 6,908,387).

Hedrick discloses the following:

Claims 1. A method of communicating with a gaming machine, the method comprising:

providing a gaming machine that displays a wagering game (slot machine, col. 2:26-28), the gaming machine including a first wireless transceiver (gaming machine wireless interface 264 in Fig. 5);

Art Unit: 3714

acquiring a portable data unit from a data unit provider, the portable data unit including a second wireless transceiver (player wireless interface 602, or host wireless interface 604 in Fig. 5, cols. 5:63-6:6, 10:46-11:25, 19:25-34);

positioning the portable data unit in proximity to the gaming machine (cols. 2:39-47, 10:45-56), without inserting the portable data unit into any portion of the gaming machine, to establish a wireless transmission link between the first and second wireless transceivers (col. 10:52-56);

transmitting information between the portable data unit and the gaming machine via the wireless transmission link (cols. 5:63-66, 10:52-56); and

encrypting the transmitted information into ciphered information (Non-proprietary standard wireless communication protocol such as Bluetooth is used for communication, col. 15:14-32. Communication between the player tracking unit and the player tracking interface devices is encrypted, col. 15:34-38. Encryption in wireless communication protocol such as Bluetooth requires ciphered text.).

Claims 2, and 42. Transmitted information is selected from a group consisting of player tracking information, player preferences, and casino preferences (the player tracking system transfer player tracking information, cols. 1:47-57, 2:20-25).

Claims 3. The data unit provider being a gaming establishment (the player tracking card is provided by the casino to track the casino players, col. 1:59-63).

Art Unit: 3714

Claims 4, 29, and 43. The portable data unit is incorporated in a portable device selected from a group consisting of a card, a key, a portable telephone, a watch, a ring, a necklace, and a belt buckle (Hedrick discloses the portable data unit is worn or carried by a user, 10:46-56. Hedrick further discloses the portable data unit may be a card or a watch, cols. 3:5-21, 19:48-50).

Claims 5, 30 and 44. Transferring the information between the machine and a central host computer remote (player tracking server) from the gaming machine (cols. 2:48-3:4, 14:21-42).

Claims 6 and 45. The wireless transmission link is selected from a group consisting of a short range, radio link and an infrared link (cols. 12:26, 15:14-33).

Claims 7 and 46, The first and second wireless transceivers are respective radio microchips (cols. 12:26, 15:14-33).

Claims 8, 33, and 47. There radio microchips and radio link conform to Bluetooth standard (cols. 12:26, 15:14-33).

Claims 9, 34, and 48. Authenticating the transmitted information (col. 17:38-44). Information is authenticated using the player's PIN. Furthermore, transmitted information is authenticated when the data is encrypted (col. 15:38).

Claims 11, 36, and 50. Correcting errors in the transmitted information (non-proprietary standard wireless communication protocol such as Bluetooth, inherently comprises an error correction scheme, col. 15:14-33).

Claims 12 and 51. The transmitted information includes a personal identifier, and further including transmitting the personal identifier from the gaming machine to a central host computer, the central host computer being remote from and linked to the gaming machine (cols. 2:48-3:4, 14:21-42)

Claims 13, 31. Transmitting centralized information from the central host computer to the machine (cols. 2:48-3:4, 14:21-42).

Claims 14 and 53. The centralized information being selected from a group consisting of, award information, and game customization information (reward information, col. 17:52-59).

Claims 18, and 56. The personal identifier is associated with a player's account at the central host computer, and further including accessing account information in the player's account (cols. 5:63-66, 17:52-57).

Claims 19 and 57. Transmitting centralized information from the central host computer to the gaming machine, the transmitted centralized information being determined by the account information (cols. 2:48-3:4, 14:21-42, 17:52-57).

Claims 21 and 59. Player tracking information is selected from a group consisting of a personal identifier and game play data (player's name, address, and player tracking account number, col. 3:12-13).

Claim 27. A method of communicating with a gaming machine, the method comprising:

providing a gaming machine that displays a wagering game (slot machine, col. 2:26-28), the gaming machine including a first radio microchip (gaming machine wireless interface 264 in Fig. 5);

providing a central host computer remote from a couple to a plurality of gaming machines including the gaming machine (cols. 1:63-66, 12:17-20);

providing a portable data unit including a second radio microchip, the portable data unit storing an identifier associated with a player of the gaming machine (player wireless interface 602, or host wireless interface 604 in Fig. 5, cols. 5:63-6:6, 10:46-11:25, 19:25-34);

in response to positioning the portable data unit in proximity to the gaming machine (cols. 2:39-47, 10:45-56), without inserting the portable data unit into any

Art Unit: 3714

portion of the gaming machine, establishing a short range, wireless radio link between the first and second radio microchips (col. 10:52-56);

transmitting the identifier between the portable data unit and the gaming machine via the radio link (cols. 5:63-66, 10:52-56); and

responsive to the transmitting, accessing from the central host computer information selected from the group consisting of player preferences for establishing a player's preferred gaming machine configuration, game play data, and casino preferences (col. 2:20-25).

Claim 32. The information is determined at least in part by the identifier transmitted from the gaming machine to the central host computer (cols. 2:20-25, 17:52-57).

Claim 41. An arrangement for communicating with a gaming machine, comprising:

a first wireless transceiver (gaming machine wireless interface 264 in Fig. 5) mounted at the gaming machine, the gaming machine having a display that displays wagering game (slot machine, col. 2:26-28);

a portable data unit including a second wireless transceiver and carried by an individual (player wireless interface 602, or host wireless interface 604 in Fig. 5, cols. 5:63-6:6, 10:46-11:25, 19:25-34);

a wireless transmission link established between the first and second wireless transceivers in response to positioning the portable data unit in proximity to the gaming machine (cols. 2:39-47, 10:45-56), without inserting the portable data unit into any portion of the gaming machine, the wireless transmission link transmitting information between the portable data unit and the gaming machine (col. 10:52-56); and

means for encrypting the transmitted information into ciphered information (col. 15:34-38, 104 in Fig. 1, 302 in Fig. 3).

Claim 75. The casino preferences include information selected from a group consisting of a hold percentage, a complimentary award rate, a complimentary award limit, and game eligibility (cols. 1:47-58, 17:52-18:5).

Claim 79. The game play data includes data selected from the group consisting of the identification of the last predetermined number of gaming machines played by the player associated with the personal identifier, information relating to the games played by the player associated with the personal identifier, the prizes won by the player associated with the personal identifier, the number of coins played by the player associated with the personal identifier, the number of coins paid out to the player associated with the personal identifier, the number of games played by the player associated with the personal identifier, the time of play by the player associated with the personal identifier (cols. 1:47-54, 2:20-25, 3:5-33).

Claim Rejections - 35 USC § 103

Claims 22-26, 60-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick et al. (US 6,908,387).

Claims 22-26, 60-64. Hedrick significantly discloses the claimed invention as discussed above. Hedrick discloses the player tracking devices may be either mounted or in many different arrangements depending upon design constraints such as accessibility to the player, packaging constraints of a gaming machine and a configuration of a gaming machine. Hedrick further discloses the range in which the wireless tracking device communicates with the portable wireless device depends on the wireless communication protocols and the design of the wireless tracking devices (col. 10:57-11:25). However, Hedrick fails to specifically teach positioning the portable data unit in proximity to the gaming machine includes position the portable data unit within a predetermined distance of the gaming machine for at least a predetermined period of time; wherein the predetermined distance is no greater than about three feet, the predetermined period of time is at least five seconds; the first transceiver is disposed proximate a front center portion of the gaming machine; and the first transceiver is disposed at a height proximate to a height of a waste of an average standing person. Nevertheless specific distance and time parameters for the wireless interface devices to communicate is a design choice that depends on the gaming machine and the wireless communication protocol used. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Hedrick's gaming device and incorporate positioning the portable data unit in proximity

Art Unit: 3714

to the gaming machine includes position the portable data unit within a predetermined distance of the gaming machine for at least a predetermined period of time; wherein the predetermined distance is no greater than about three feet, the predetermined period of time is at least five seconds; the first transceiver is disposed proximate a front center portion of the gaming machine; and the first transceiver is disposed at a height proximate to a height of a waste of an average standing person; in order to wireless interface communicate with a portable warless device worn or carried by a player (col. 10:46-56).

Claims 17, 55, 80-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick et al. (US 6,908,387) in view of Walker (6,110,041).

Claims 17, 55, 80-81. Hedrick significantly discloses the claimed invention as discussed above but fails to teach game customization based on the player's preferences. However in an analogous art to gaming devices and player tracking devices, Walker discloses a method in which a central server identifies a player from the player tracking device, and configures the gaming machine based on the player's preference (abstract). Player preferences may include the language used, sound options, speed of reel spins, or the form of payout (cols. 1:60-63, 5:1-16). Configuring the game according to the player's preference provides convenience to the player by providing a game that are set according to player preferences, and thus encourages the player to continue playing at the gaming machine. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify

Art Unit: 3714

Hedrick's gaming method and incorporate Walker's player customization, in order to provide convenience to the player by providing a game that are set according to player preferences, and encourage the player to continue playing at the gaming machine.

Response to Arguments

Applicant's arguments with respect to claims 1-9,11-14,17-19,21-27,29-34,36,41-48,50-57,59-64,75 and 79-81 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

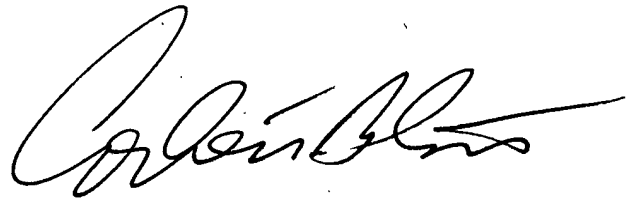
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY

A handwritten signature in black ink, appearing to read 'Corbett B. Coburn', with a long horizontal flourish extending to the right.

**CORBETT B. COBURN
PRIMARY EXAMINER**